

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-3005-01/02-CR-S-RED
)	
JEREMY ALAN CYOPECK and)	
ROBERT ASHLEY WILLIAMS,)	
)	
Defendants.)	

Now pending before the Court are Defendants Jeremy Alan Cyopeck and Robert Ashley Williams respective Motions to Suppress Evidence (Docs. 33 and 36), the Government's response to each motion (Docs. 38 and 41) and Defendant Williams' Response to the United States' Allegation that Defendant Robert Ashley Williams Does Not Have Standing (Doc. 45). Both motions arise out of a traffic stop that occurred on December 18, 2005. During the stop, Sergeant McMullin of the Missouri Highway Patrol requested consent to search the van driven by Defendant Cyopeck in which Defendant Williams was a passenger. After receiving consent to search the van from Defendant Cyopeck, Sergeant McMullin discovered several plastic bags containing white tablets which Defendant Cyopeck identified as ecstasy. Both defendants were then arrested. Defendant Cyopeck now moves for suppression on grounds that he did not voluntarily consent to the search of the van. He denies that Sergeant McMullin requested consent to search the van and further denies granting consent. Defendant Williams argues that the stop was pretextual, that the van was pulled over on the basis of his race combined with the fact that the van had out-of-state license plates.

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Recommendations (Doc. 47) recommending that defendants Cyopeck and Williams respective Motions to Suppress Evidence be denied. Each Defendant subsequently filed exceptions to the magistrate's Report and Recommendations. (Docs. 48 and 49)

Upon careful and independent review of the pending motions, the suggestions filed by the parties in regard to said motions, and a review of the applicable law, the Court hereby adopts and incorporates as its own opinion and order, the Report and Recommendation of United States Magistrate Judge James C. England. Accordingly, it is hereby:

ORDERED that defendants Jeremy Alan Cyopeck and Robert Ashley Williams respective Motions to Suppress Evidence (Docs. 33 and 36) are **DENIED**.

IT IS SO ORDERED.

DATE: July 10, 2006

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT